

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JEREMY R. POWELL,

Plaintiff,

v.

CITY OF ELKO, *et al.*,

Defendants.

Case No. 3:21-cv-00418-ART-CSD

ORDER ADOPTING REPORTS AND  
RECOMMENDATIONS AND  
GRANTING SUMMARY JUDGMENT

*Pro se* Plaintiff Jeremy Powell, a former inmate of the Lovelock Correctional Center, brings this action under 42 U.S.C. § 1983 against Defendants Bartolo Ortiz, Brenton Pepper, John Adkins, Sergeant Hood, Rosina Garcia, and Joanna Contreras. (ECF No. 69.) Before the Court are three Reports and Recommendations (“R&Rs”) by United States Magistrate Judge Craig S. Denney and three motions for summary judgment by each of the above-named defendants. Two of the R&Rs (ECF Nos. 181, 182) recommend granting motions for summary judgment (ECF Nos. 155, 158) filed by Defendants Adkins, Hood, Garcia, and Contreras. Neither party objects to those R&Rs, and the time to do so has passed. After reviewing the relevant documents, the Court is satisfied that Judge Denney did not clearly err and adopts both R&Rs in full. The Court does not address the remaining R&R (ECF No. 180) and motion for summary judgment (ECF No. 153) in this order.

When neither party objects to a Report and Recommendation, the Court “need only satisfy itself that there is no clear error on the face of the record” in order to accept it. Fed. R. Civ. P. 72, Advisory Committee Notes (1983); *see also Thomas v. Arn*, 474 U.S. 140, 149 (1985) (holding that the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003)

1 (“De novo review of the magistrate judges’ findings and recommendations is  
2 required if, but *only* if, one or both parties file objections to the findings and  
3 recommendations.”) (emphasis in original). Neither party objected to the R&R  
4 granting summary judgment for Defendants Hood and Adkins (ECF No. 181) or  
5 the R&R granting summary judgment for Defendants Garcia and Contreras (ECF  
6 No. 182). The Court reviews those R&Rs for clear error.

7 In addition to his claims against Ortiz and Pepper, Mr. Powell brings (1) a  
8 Fourth Amendment claim that Hood failed to intervene to stop Ortiz’s use of  
9 excessive force against him; and (2) a Fourteenth Amendment inadequate medical  
10 care claim against Garcia, Contreras, and Adkins, based on allegations that he  
11 notified them of an injury to his thumb when he was detained in the jail, but they  
12 failed to provide him with any treatment for 12 days. (ECF Nos. 68, 69, 98.)

13 Judge Denney recommends summary judgment in favor of Hood because  
14 video evidence demonstrates that he did not have a realistic opportunity to  
15 intercede in Ortiz’s use of excessive force. (ECF No. 181 at 4-6.) Judge Denney  
16 recommends summary judgment in favor of Adkins, Garcia, and Contreras  
17 because none of those defendants are medical providers, and the undisputed  
18 facts show that they did not act unreasonably with regard to Mr. Powell’s thumb.  
19 (*Id.* at 7-9; ECF No 182 at 9-10.)

20 Having reviewed both R&Rs and the record in this case, the Court is  
21 satisfied that Judge Denney did not clearly err and adopts both R&Rs in full.

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1 It is therefore ordered that Judge Denney's Report and Recommendation  
2 (ECF No. 181) recommending summary judgment in favor of Defendants  
3 Sargeant Hood and John Adkins is accepted and adopted in full.

4 It is further ordered that the motion for summary judgment by Defendants  
5 Sargeant Hood and John Adkins (ECF No. 155) is granted.

6 It is further ordered Judge Denney's Report and Recommendation (ECF No.  
7 182) recommending summary judgment in favor of Defendants Rosina Garcia  
8 and Joanna Contreras is accepted and adopted in full.

9 It is further ordered that the motion for summary judgment by Defendants  
10 Rosina Garcia and Joanna Contreras (ECF No. 158) is granted.

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12 Dated this 31<sup>st</sup> day of March 2023.

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16 ANNE R. TRAUM  
17 UNITED STATES DISTRICT JUDGE  
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